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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/555,725	06/05/2000	ANDREW JOHN MCGRATH	36-1320	9355

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EXAMINER

HANNE, SARA M

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n No.

09/555,725

Applicant(s)

MCGRATH, ANDREW JOHN

Examiner

Sara M Hanne

Art Unit

2173

-- The MAILING DATE of this c mmunication appears on the cover sheet with the c rrespondence address --

## P r i d f r Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disp sition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Pri rity under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the amendment received on November 21, 2003. Amended Claims 1-22 are pending in the application.

#### ***Information Disclosure Statement***

2. The information disclosure statement filed 11/21/2003 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. If the applicant would like to cite the references cited in the opposition, they must do so separately.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-9, 11-14, 16-19 and 21-22 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Leahy et al., US Patent 6219045.

In accordance with Claims 1 and 6, Leahy et al. teaches a method of showing users on a display of a telecommunications device ("Chat processor 106", Column 4, line 59) using animated graphical representations ("environment changes the look of the avatar", Column 7, Lines 22-23) corresponding to the respective users, the animated actions to be symbolic of events taking place ("For example, if the user moves the mouse F mouse ticks forward, the avatar moves F screen units forward", Column 8, Lines 7-8). Leahy et al. further teaches each user presented with a view of a respective virtual space from which the respective user views the other users activities, graphically represented, relative positions, and relative movements according to the user's viewpoint (Column 3, lines 15-30).

In accordance with Claims 2 and 7, Leahy et al. further discloses subtending or displaying the remaining partners within the field of view ("A will see all the avatars in the room.", with N set to the number of avatars in the room Column 5, Line 48).

In accordance with Claims 3 and 8, Leahy et al. further teaches the symbolic actions to be selected such that they occur within a fixed field of view (as seen in Claims 2 and 7 *supra*, the symbolic actions such as movement within the room of other users are shown within the user's fixed field of view with N set to the total number of avatars).

In accordance with Claims 4 and 9, Leahy further discloses that when the one user is viewed by other users, their corresponding displays would be different than when the one user views the other users ("produces a display

similar to screen display but from the perspective of the avatar for that client/user.”, Column 3, lines 15-18).

In accordance with Claim 11, Leahy further discloses the client means associated with each user for generating part of the user's viewpoint (Client user's location “In order that each user sees the correct location of each of the other avatars, each client machine sends its current location or changes in its current location, to the server and receives updated position information of the other clients”, Column 3, lines 25-30).

In accordance with Claim 12, Leahy further discloses server means accessible by each user for generating part of the users' viewpoint (location of the other users, Column 3, lines 25-30 *supra*).

In accordance with Claims 13 and 18, Leahy et al. teaches a virtual conferencing method (“Chat processor 106”, Column 4, line 59) where telecommunication information is sent between plural conferees in a virtual conference space using icons (avatars) respectively representing the conferees corresponding to the respective users such that each conferee's display is a respectively unique visual display that shows the conference space and other icons from that conferee's own viewpoint (Column 3, lines 15-30). Further in reference with Claim 18, Leahy et al. teaches the conferencing system to be a telecommunications network for sending the information between plural conferees with a server and terminals connected across the network (Figure 2).

In accordance with Claims 14 and 19, Leahy further discloses animating conferee icons to represent different symbolic animated actions if any such

action is currently associated with a respective conferee (movement of a conferee is seen by the other clients in the system, "For example, if the user moves the mouse F mouse ticks forward, the avatar moves F screen units forward", Column 8, Lines 7-8).

In accordance with Claims 16 and 21, Leahy further discloses the relative positional order of icons shown in the virtual conference space for each conferee to remain constant (Column 3, lines 15-30).

In accordance with Claims 17 and 22, Leahy further discloses the angular separation between icons in the virtual conference space to not be constant ("Each user is free to move his or her avatar around in the virtual world", Column 3, lines 24-25).

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 10, 15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leahy et al., US Patent 6219045, as applied to Claims 1, 6, 14 and 18 above, and further in view of Shiio et al. US Patent 5491743.

Leahy et al. teaches a virtual client-server chat system taken to be a teleconferencing method as shown *supra*.

In accordance with Claims 5 and 10, While Leahy et al. teaches the teleconferencing method excluding the user from the display, they fail to show the users not currently actively engaged in the conference, or just viewing the conference, to be shown differently than those who are as recited in the claims. Shiiro et al. teaches a virtual conference system similar to that of Leahy et al. In addition, Shiiro et al. further teaches active users currently engaged in conversation to be shown differently than those who are not ("The icons may be lit up with lamps, and may be associated with characters such as 'speaking.'", Column 13, lines 22-23).

It would have been obvious to one of ordinary skill in the art, having the teachings of Leahy et al. and Shiiro et al. before him at the time the invention was made, to modify the teleconferencing method taught by Leahy et al. to include the differing display of active teleconferencing member of Shiiro et al., in order to obtain a more distinguishable indicator for active participants. One would have been motivated to make such a combination because all active users could be easily recognized, as taught by Shiiro et al. ("the attendants can recognize who is speaking", Column 14, line 11).

In accordance with Claims 15 and 20, While Leahy et al. teaches the teleconferencing method excluding the user from the display, they fail to show a symbolic animated action for the desire to conclude the conference as recited in the claims. Shiiro et al. Teaches a virtual conference system similar to that of Leahy et al. In addition, Shiiro et al. further teaches an indication for intention to

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conclude the conference ("indication of intention and actions of entrance/exit, ... can be expressed", Column 9, lines 31-35).

It would have been obvious to one of ordinary skill in the art, having the teachings of Leahy et al. and Shiio et al. before him at the time the invention was made, to modify the teleconferencing method taught by Leahy et al. to include the symbolic, animated, teleconferencing conclusion action of Shiio et al., in order to obtain an animated termination control for a participant. One would have been motivated to make such a combination because it would give the user another control expression as taught by Shiio et al.

### ***Response to Amendment***

Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. With respect to the argument that the reference has failed to teach the limitation that the user's own avatar is not present in the field of view, the newly applied reference clearly discloses this limitation as seen *supra*.



***Conclusion***

The prior art made of record on form PTO-892 and not relied upon is considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R. § 1.111(c) to consider these references fully when responding to this action. The documents cited therein teach further examples of teleconferencing methods and user animated avatars.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

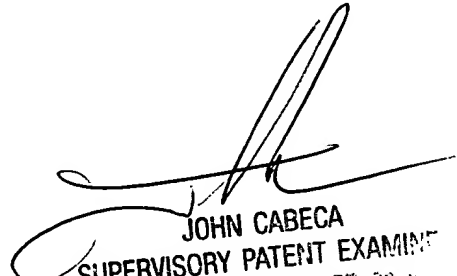
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara M Hanne whose telephone number is (703) 305-0703. The examiner can normally be reached on M-F 7:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.

smh



JOHN CABECA  
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